

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

MARK S. REESE, SR., *et al.*,

Plaintiffs,

v.

Civil Action No. 3:16-cv-00496-REP

**STERN & EISENBERG
MID ATLANTIC, PC,**

Defendant.

**DEFENDANT STERN & EISENBERG MID ATLANTIC PC'S
RESPONSE TO MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION
SETTLEMENT (DOC. NO. 34)**

Defendant Stern & Eisenberg Mid Atlantic, PC (“Stern & Eisenberg”) respectfully files this Response to Plaintiffs’ Motion for Preliminary Approval of Class Action Settlement (Doc No. 34).

Stern & Eisenberg consents to the relief requested in Plaintiffs’ Motion for Preliminary Approval of Class Action Settlement (Doc No. 34). By doing so, however, Stern & Eisenberg does not join Plaintiffs’ legal or factual assertions concerning Stern & Eisenberg’s alleged violations of the Fair Debt Collection Practices Act (“FDCPA”).

Stern & Eisenberg disputes that it has any liability under the FDCPA to the named plaintiffs or the class members. Stern & Eisenberg specifically disputes any contention that it made a false representation or attempted to deceive or did deceive any class members. Those allegations are demonstrably false.

No class member suffered any harm whatsoever as a result of the conduct alleged in the complaint or as characterized in Plaintiffs’ Motion for Preliminary Approval of Class Action Settlement (Doc No. 34). Stern & Eisenberg believes that it would have prevailed on the merits, but it opted to settle solely because the cost of settlement was less than the cost of defense. Thus, Plaintiffs’ assertion that “by its consent to this

motion, Defendant concedes that Plaintiffs have the upper hand in this case” is wrong. *See* Doc No. 34 at 3. Stern & Eisenberg consented to the settlement of this action and to the relief requested in the preliminary approval motion solely for economic and practical reasons.

Respectfully submitted,

STERN & EISENBERG MID ATLANTIC PC

By Counsel

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CERTIFICATE OF SERVICE

I hereby certify that on January 23, 2017, the foregoing was electronically filed with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel of record, including:

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